UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,512	06/28/2001	Tatsuo Nomura	1114-165	4932

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EXAMINER
LUU, LE HIEN

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/892,512	NOMURA ET AL.
	Examiner	Art Unit
	Le H Luu	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04/04/2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 1-17 are presented for examination.

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign

country or in public use or on sale in this country, more than one year prior to the date of

application for patent in the United States.

3.   Claims 1-4, 7-12, 15-17 are rejected under 35 U.S.C. § 102(b) as being clearly

anticipated by Wadsworth et al. (Wadsworth) patent no. 5,657,448.

4.   As to claim 1, Wadsworth teaches the invention as claimed, including a program

supplying method for supplying a program from a server through a network to a user

terminal including a terminal main body and one or more optional units combined

therewith, comprising:

determining an operating environment of the user terminal based on the optional

units that are combined with the terminal main body (col. 38 line 10 - col. 40 line 42);

transmitting operating environment information indicative of the determined

operating environment, from the user terminal through the network to the server before

the program is supplied (col. 34 line 15 - col. 35 line 30); and

determining whether the program is operable in the operating environment based

on the operating environment information and transmitting a result of the determination

from the server through the network to the user terminal (col. 38 line 10 - col. 41 line

65).

5.   As to claims 2-4 and 8, Wadsworth further teaches displaying at the user terminal

the result of the determination as to whether the program is operable; transmitting an

order for the program from the user terminal through the network to the server when the

program is determined to be operable; installing the program supplied from the server

through the network to the user terminal, thereby extending functions of the user

terminal (col. 6 line 57 - col. 7 line 14; col. 8 lines 4-30; col. 38 line 10 - col. 41 line 65).

6.   As to claims 7, Wadsworth further teaches when the program is determined as

being inoperable, recording the result of determination as information on the user

terminal, at the server (col. 33 lines 40-57).

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 5-6 and 13-14 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Wadsworth et al. (Wadsworth) patent no. 5,657,448, in view of Rose patent no. 5,708,709.

9.   As to claims 5-6, Wadsworth teaches the invention substantially as claimed as discussed above; however, Wadsworth does not explicitly teach generating a program list indicative of programs which can be supplied by the server; nor transmitting the program list from the server through the network to the user terminal.

Rose teaches user can select and download one or more programs of interests from a list of programs on a menu provided by a server (figure 2; col. 3 line 61 - col. 4 line 17).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Wadsworth and Rose to generating a program list indicative of programs operable in the operating environment of the user terminal based on the operating environment information; transmitting the program list from the server through the network to the user terminal; and selecting a program from the program list because it would maintain control over programs provided by the server.

10.   Claims 9-17 have similar limitations as claims 1-8; therefore, they are rejected under the same rationale.

11.   In the remarks, applicant argued in substance that

(A)   Prior art does not teach determining whether a program is operable in an operating environment of a user terminal based on the operating environment information received from the user terminal, and transmitting a result of the determination from the server through the network to the user terminal.

As to point (A), Wadsworth teaches using CPCONSOL to determine operating device information pertains to environmental settings from a printer (TABLE 10, begins col. 40 line 45, request for environment status). CPCONSOL is also being used to determine if a program is operable in an operating environment of a printer based on the operating environment information received from the printer (TABLE 10, begins col. 40 line 45, determine if new set of environment parameters with new printer macros is operable based on environment status received). In addition, CPCONSOL can transmit a result of the determination from the server through the network to the printer (col. 34 line 15 - col. 35 line 30; col. 38 line 10 - col. 41 line 65; CPCONSOL communicates a result to the printer via CPSOCKET).

(B)   Prior art does not teach displaying the user terminal the result of the determination.

As to point (B), Wadsworth teaches the printer has a front panel display to display any information related to the printer including the result of the determination (col. 6 line 57 - col. 7 line 14; col. 8 lines 4-30).

(C)   Prior art does not teach transmitting an order for the program from a user terminal to a server.

As to point (C), Wadsworth teaches CPSOCKET transmits order for firmware download from the printer to administrator's PC (col. 38 line 10 - col. 39 line 20).

(D)   Prior art does not teach recording the result of the determination as information on the user terminal and the server.

As to point (D), Wadsworth teaches any information including the result of the determination can be logged and stored in the printer or the administrator's PC (col. 33 lines 40-57).

12.   Applicant's arguments filed on 04/04/05 have been fully considered but they are not deemed to be persuasive.

13.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).
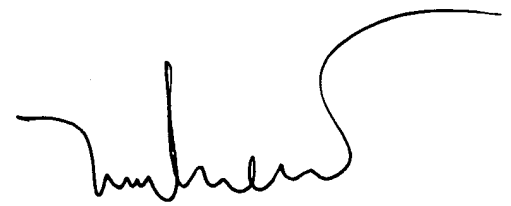
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LE HIEN LUU
PRIMARY EXAMINER

June 16, 2005